

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EMMANUEL MASSANJE KONNE,

Plaintiff,

v.

1:15-cv-3442-WSD

AIRSERVE CORPORATION,

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker’s Final Report and Recommendation [24] (“R&R”). The R&R recommends the Court dismiss this action for want of prosecution.

I. BACKGROUND

A. Facts¹

On January 11, 2017, counsel for Plaintiff Emmanuel Massanje Konne (“Plaintiff”) filed her motion to withdraw as counsel for Plaintiff [22], explaining that Plaintiff has failed to communicate with her since May 2016 and appears to

¹ The facts are taken from the R&R and the record. The parties have not objected to any specific facts in the R&R, and the Court finds no plain error in them. The Court thus adopts the facts set out in the R&R. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

have abandoned his case. The same day, the Magistrate Judge issued her order ([23] “Show Cause Order”) directing Plaintiff to show cause, within fourteen (14) days, why his case should not be dismissed for failure to prosecute under Local Rule 41.3(A)(3), NDGa. The Magistrate Judge warned Plaintiff that his failure to respond to the Show Cause Order would indicate that he is not interested in prosecuting his case and that it would result in a recommendation that this action be dismissed. Plaintiff failed to respond to the Show Cause Order.

On February 22, 2017, the Magistrate Judge issued her R&R, recommending the Court dismiss this action for Plaintiff’s failure to prosecute. Plaintiff did not respond to the R&R, and has not otherwise taken any action in this case.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). Where, as here, no party has objected to the report and

recommendation, the Court conducts only a plain error review of the record.

United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

B. Analysis

Local Rule 41.3 authorizes the Court to dismiss a case for want of prosecution for failure to obey a lawful order of the Court. See LR 41.3(A)(2).

Plaintiff failed to comply with the Show Cause Order after being warned that failure to comply will result in dismissal of this action. Accordingly, this action is dismissed pursuant to Local Rule 41.3(A)(2).


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Linda T. Walker's Final Report and Recommendation [24] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** pursuant to Local Rule 41.3(A)(2), NDGa.

SO ORDERED this 14th day of March, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE